

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JERI L. DIMOFF,	:	
Plaintiff	:	No. 1:22-cv-00072
	:	
v.	:	(Judge Kane)
	:	
TROOPER LUCAS AMAROSE and	:	
TROOPER CONOR TREMAINE,	:	
Defendants	:	

ORDER

AND NOW, on this 8th day of July 2024, upon consideration of Defendants Trooper Lucas Amarose and Trooper Conor Tremaine (“Defendants”) Motion for Summary Judgment (Doc. No. 29) on the remaining counts of Plaintiff Jeri L. Dimoff (“Plaintiff”)’s complaint¹ and Plaintiff’s response thereto (Doc. No. 38), as well as Plaintiff’s filing of a sur-reply brief without leave of court (Doc. No. 40)² and Plaintiff’s subsequent motion for leave to file a sur-reply brief (Doc. No. 42), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT** Defendants’ motion (Doc. No. 29) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. Plaintiff’s motion for leave to file a sur-reply brief (Doc. No. 42) is **DEEMED WITHDRAWN**;

¹ Upon agreement of the parties (Doc. No. 13) and the approval of the Court (Doc. No. 16), the only remaining claims of Plaintiff’s complaint are (1) individual-capacity Fourth Amendment excessive force claims against Amarose and Tremaine (Count I) for use of excessive force “when inexplicably forcing the Plaintiff onto the ground and into the side of the police cruiser multiple times on the date of the incident in question”; and (2) individual-capacity Eighth Amendment failure-to-intervene claims against Amarose and Tremaine (Count III) for failure to intervene to limit or stop other Defendants from engaging in excessive force. (Doc. Nos. 1 ¶¶ 109, 123–24; 13 at 3, 16 at 1–2.)

² Local Rule 7.7. states that “[n]o further briefs may be filed without leave of court.” See L.R. 7.7

2. Defendants' motion (Doc. No. 29) is **GRANTED** as to Plaintiff's claims of failure to intervene against Defendants Tremaine and Amarose (Count III), and the Clerk of Court is directed to **DEFER** entry of judgment in favor of Defendants Tremaine and Amarose on Count III until the conclusion of the case;
3. Defendants' motion (Doc. No. 29) is **GRANTED** as to the claims of excessive force by Defendant Tremaine during the escort of Plaintiff, and all claims of excessive force by Defendant Amarose (Count I), and the Clerk of Court is directed to **DEFER** entry of judgment in favor of Defendant Tremaine during the escort of Plaintiff and Amarose during Plaintiff's arrest and escort on Count I until the conclusion of the case;
4. Defendants' motion (Doc. No. 29) is **DENIED** as to the claims of excessive force by Defendant Tremaine during Plaintiff's arrest (Count I); and
5. A status telephone conference shall be held on **August 1, 2024 at 10:30 a.m.** to discuss a potential date for trial of this matter. The telephone number of the Court for purposes of this call is 717-211-3990. Plaintiffs' counsel shall initiate the telephone call.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania